

1 ask their parents, "Hey, do you have a copy of my birth
2 certificate?"

3 A. Oh, yes, sir.

4 Q. And unless the parent is going to charge them
5 for the birth certificate, it's not going to cost
6 anything for them to get the birth certificate from
7 their parent and go get an EIC; correct?

8 MR. GEAR: Objection; form.

9 A. Yes, sir.

10 Q. (By Mr. Keister) And it's the same with
11 respect to any certificate, marriage certificate, there
12 are some people who actually keep these documents;
13 correct?

14 A. Yes, sir.

15 Q. And, in fact, a lot of people keep marriage
16 certificates because it's important to them; correct?

17 MS. SIMSON: Objection; calls for
18 speculation.

19 A. Yes, sir.

20 Q. (By Mr. Keister) Or birth certificates,
21 because it's important to them; right?

22 A. Yes, sir.

23 Q. It's not like I wake up one morning, "Oh, I'm
24 going to get a birth certificate," it's not unusual for
25 people to have the documentation they need to get

1 identification; is that true?

2 MR. GEAR: Objection; form. Calls for
3 speculation.

4 Q. (By Mr. Keister) There was a lot of questions
5 about public transportation out in rural Jefferson
6 County. Do you think people in the far outer bounds
7 of -- away from Beaumont, never come into Beaumont?

8 A. Oh, I don't know, sir.

9 Q. Well, do you think just because somebody lives
10 outside of Beaumont that they don't -- even though there
11 is no public transportation into Beaumont, that they
12 don't have the ability to get here?

13 MR. GEAR: Objection; vague, form.

14 A. People get where they want to get.

15 Q. (By Mr. Keister) Right. Do you know people
16 that live in Jefferson County but not in Beaumont
17 proper?

18 A. Yes, sir, I do.

19 Q. Do you know people who live in Jefferson
20 County outside of Beaumont with no public transportation
21 that somehow manage to come in to Beaumont?

22 A. I know people that live outside of Beaumont.
23 I wouldn't say they don't have public transportation,
24 though.

25 Q. How do you think people get into Beaumont when

1 they live outside of Beaumont but there is no public
2 transportation, no bus?

3 A. They have cars.

4 Q. Yeah. Do you think that's a fairly common
5 situation for people who live outside of the City of
6 Beaumont, to own a vehicle?

7 A. Yes.

8 MR. GEAR: Objection; calls for
9 speculation.

10 Q. (By Mr. Keister) Or to have access to a
11 vehicle.

12 A. Yes, sir.

13 Q. Because we're not like some of the other
14 cities up north or east, we don't have big subways;
15 right?

16 A. Right.

17 Q. And we don't have bus systems that cover the
18 whole county; correct?

19 A. Correct.

20 Q. Do you know of any county in Texas that would
21 have a bus system that would cover every inch of the
22 county?

23 A. No, sir, I don't.

24 Q. Okay. People down here drive vehicles; right?

25 A. Yes, sir.

1 Q. Okay.

2 MR. GEAR: Calls for speculation, form.

3 Q. (By Mr. Keister) We like that, don't we?

4 A. Yes, sir.

5 Q. With respect to the DPS offices, you say
6 there's one in -- one in Beaumont, and one in Port
7 Arthur?

8 A. Yes, sir, I think.

9 Q. That you know of?

10 A. Yes, sir.

11 Q. Do you know the address of the one here in
12 Beaumont?

13 A. No, sir. I know it's way out on Tram Road
14 somewhere.

15 Q. Do you know the location? Does 7200 Eastex
16 Freeway sound familiar?

17 A. That sounds right.

18 Q. Okay. Where would that be -- we're at the
19 courthouse today; correct, the district attorney's
20 office?

21 In relation to where we are today, where
22 would the Beaumont DPS office be that's at 7200 Eastex
23 Freeway, just generally speaking?

24 A. Catch the freeway, go 10, go 69, Eastex
25 Freeway, 69 going north, and it's all the way until you

1 get past 105, all the way out that way, exit 105.

2 Q. I'm not that familiar.

3 A. Okay.

4 Q. How far do you think it is from here?

5 A. It's a good little ways out. It's nothing I
6 don't want to walk to. It's about -- way out.

7 Q. How long do you think it would take you to
8 drive it?

9 A. It would take 20, 25 minutes to get out that
10 way, 25.

11 Q. With respect to Jefferson County, or at least
12 the people that particular office would serve -- I
13 suppose Port Arthur has its own -- geographically
14 speaking, do you think that's centrally located for the
15 people it's trying to serve?

16 A. No, not at all.

17 Q. Not at all?

18 A. No.

19 Q. Why not? I'm just asking.

20 A. It's like the end of something, it's like the
21 end of going to Lumberton. It's closer to Lumberton
22 than it is to anything in Beaumont.

23 Q. How long has that location been there?

24 A. Forever. Forever. Since I got my driver's
25 license. Been a while.

1 Q. Okay. That's where everybody goes for -- at
2 least for Jefferson County, to get their driver's
3 license?

4 A. Yes.

5 Q. And have been going there for many, many
6 years?

7 A. Yes, sir.

8 Q. Would it be reasonable to suspect that people
9 know the location? Even though it may be difficult to
10 get to, they know where it is; correct?

11 A. Yes, sir.

12 Q. And when people want to get a driver's
13 license, they go out there; right?

14 A. That's where they go.

15 Q. Okay. So if they want to go, they can go?

16 MR. GEAR: Objection; form. Calls for
17 speculation.

18 A. Yes, sir.

19 Q. (By Mr. Keister) You had mentioned that you
20 had heard some complaints that it's not convenient and
21 that it takes time standing in line.

22 Has anyone made those complaints to you
23 with respect to getting the EIC specifically?

24 A. No, because I don't know anybody that's been
25 out there to get an EIC.

1 Q. So you were just talking about with some --
2 with a general complaint of DPS --

3 A. Right.

4 Q. -- facility, but not related to somebody
5 coming in and saying, "I'm not going to get an EIC
6 because I had to stand in line"; correct?

7 A. Right.

8 Q. Has anyone expressed that concern with respect
9 to the EICs that people may not be needing them? I
10 mean, factually expressed that concern that people are
11 not getting an EIC because of the location of DPS.

12 A. No, sir.

13 Q. Has anyone told you that they did not get an
14 election identification certificate because they were
15 afraid to go into the DPS office?

16 A. Not directly, no, sir.

17 Q. Okay. Has anyone told you that they did not
18 vote because they were afraid to go into the DPS office?

19 A. No, sir.

20 Q. Okay. When you received the e-mail from the
21 Secretary of State in June of 2013 notifying the
22 counties that S.B. 14 was going to be implemented, that
23 was the first contact you had had by the Secretary of
24 State concerning S.B. 14; correct?

25 A. That's correct.

1 Q. In fact, there had begun an educational
2 program, at least discussing S.B. 14, long before it was
3 implemented; is that correct?

4 A. That's correct.

5 Q. The next election coming up, at least a
6 statewide election, will be in November of 2014;
7 correct?

8 A. That's correct.

9 Q. What will your office have to do in order to
10 get ready for the actual election? And by get -- that's
11 a bad question.

12 When will your office have to start
13 preparing to get ready for the election, for the 2014
14 election?

15 A. I've already begun.

16 Q. You've already begun?

17 A. We've already begun. We already contacted the
18 early voting and polling locations to put them on notice
19 to make the facilities ready for November. We have
20 already done that. So we've already begun.

21 Q. Okay.

22 (Ms. Kathleen Kennedy left the
23 deposition, Mr. Philip Babin came in.

24 Q. (By Mr. Keister) When will you actually begin
25 training the poll workers?

1 A. Okay. We're trying to get past this one,
2 which is August 5th. We start training for the poll
3 workers probably mid-August.

4 Q. Okay.

5 A. We stagger it over a five-week period of time
6 because we train so many.

7 Q. So that will be in mid-August. Then early
8 voting will begin?

9 A. It's the 28th or 21st, something like that.

10 Q. Approximately two weeks before the actual
11 date?

12 A. Yeah. I think it's like the 20th, 21st we
13 start training then. So we are getting ready.

14 Q. In addition to training the poll workers, what
15 else has to be done in terms of forms and that kind of
16 thing?

17 A. We already contracted some of the political
18 subdivisions that want to contract with us for the
19 elections. We have to do our orders and everything.
20 We'll begin assembling our ballots
21 together for all the candidates and stuff. We'll be
22 sending that off for programming, getting that ready.
23 They will be getting the equipment and everything ready.

24 We have our signs pretty much ready. We
25 have -- we have big signs, signs that stand up this high

1 (indicating), that's on the poster boards that are
2 showing all the voter identification qualifications.
3 That's at their locations.

4 Like I said, we have 40 locations for
5 election day. We have 12 early voting sites for early
6 voting. And so all those will be prepared. Like I
7 said, we will start our training.

8 Q. Okay. So elections don't occur just within a
9 matter of days, there's months and months of planning;
10 correct?

11 A. Months and months of planning.

12 Q. Okay.

13 A. Absolutely.

14 Q. You mentioned that the average poll worker in
15 Jefferson County is 70 years old?

16 A. Yeah.

17 Q. Okay. Have any of those persons complained to
18 you that they do not have the appropriate identification
19 to be able to vote in the election?

20 A. No.

21 Q. Okay.

22 A. No, because all our poll workers are still all
23 driving.

24 Q. Okay. Do you find that the citizens of
25 Jefferson County, generally, are aware of the ability to

1 vote by mail if they are over 65?

2 A. Yeah, we have made that very well known over
3 the last couple years.

4 Q. Do you find that they are becoming more and
5 more receptive of that convenience of voting by mail?

6 A. Yes.

7 Q. Do they indicate to you, the ones you hear
8 from, that they like to vote by mail?

9 A. I think they do, and I think that both parties
10 have done a tremendous job of doing vote-by-mail
11 campaigns, on both sides.

12 Q. You do have a Web site for the county clerk's
13 office; correct?

14 A. Yes, I do.

15 Q. And on that Web site, you have pages devoted
16 to elections; correct?

17 A. Yes.

18 Q. On that Web site is a place where somebody can
19 go in and type in their name and determine their voting
20 status; correct?

21 A. Yes.

22 Q. So if anybody has a question about how their
23 name is listed, what precinct they are in, or whatnot,
24 all they've got to do is just type in their name and
25 their birth date, and it pops up; correct?

1 A. Name and birthday, that's correct.

2 Q. Have you inquired of the Secretary of State's
3 office as to whether or not they would allow your office
4 to issue EICs, if you requested it?

5 A. No, I have not.

6 Q. Okay. Were you aware that some counties have,
7 and some counties do, in fact, have been provided the
8 equipment to issue EICs?

9 A. No, I was not.

10 Q. Okay. Would that be something you're
11 interested in doing?

12 A. No, I would not.

13 Q. Why not?

14 A. Well, I think if anybody issues EIC, I think
15 it should be the voter registrar's office.

16 Q. Is that something you think the voter
17 registrar's office would be interested in?

18 A. I do.

19 MR. KEISTER: Ms. Guidry, I appreciate
20 your patience. Sorry to keep you so long. I pass the
21 witness.

22 MS. SIMSON: Bruce, do you have
23 additional follow-up questions?

24 MR. GEAR: Yes, I actually do.

25

1 FURTHER EXAMINATION

2 BY MR. GEAR:

3 Q. Ms. Guidry, do you have any -- do you or the
4 county have any ability to track minority voters who did
5 not elect to vote because they lack one of the
6 acceptable forms of ID under S.B. 14?

7 A. No, I do not.

8 Q. And would that be the same for the county as
9 well?

10 A. I'm not quite sure what it is you're asking us
11 to do.

12 Q. If I was the voter who lacked one of the
13 acceptable forms of S.B. 14 ID --

14 A. Right.

15 Q. -- and I chose not to go to the polling place
16 because of that, does the county have any ability to
17 track that type of information or fact?

18 A. No, because how would I track that?

19 Q. Okay. And so if I was a voter who arrived at
20 the polling place and realized that I did not have one
21 of the forms -- acceptable forms of S.B. 14 ID, and I
22 simply walked out --

23 A. Okay.

24 Q. -- would the county have the ability to track
25 that information?

1 A. Okay. I guess I could implement something to
2 track that. You're saying if a voter showed up at the
3 polling location and they did not have proper -- proper
4 photo ID, I could implement a form to say -- you know,
5 write every voter down that leaves this polling location
6 without proper photo ID.

7 Q. But as you sit here today, and specifically
8 regarding the November 15, 2013 election and all the
9 subsequent elections, the county does not have any
10 program in place to track those voters?

11 A. No, I did not, nor do I know of anyone that
12 walked away from the polling location that did not have
13 proper ID, other than the ones I have on these
14 provisional ballots.

15 Q. Does the county have any method of tracking
16 voters who were turned away from the polling place
17 because we lacked proper ID?

18 A. First of all, voters are not turned away
19 because they lack proper ID. They are always given a
20 provisional ballot.

21 Q. As you sit here today, can you testify that
22 your poll workers, election judges always issue a
23 provisional ballot to voters who lack proper ID?

24 A. Yes, that's correct. And as we sit here
25 today, I can show -- I can track these seven that did

1 not have proper ID that got to vote provisionally and
2 chose not to, or did not have proper ID to cure their
3 ballots, these would be the only seven that I would be
4 able to track that I know voted provisionally that does
5 not have proper photo ID.

6 But any time a voter go into a polling
7 location in Jefferson County and does not have proper
8 ID, they should always be able to vote provisionally.

9 And I assure you, if my election clerks
10 or judges are not allowing them to vote provisionally,
11 and that is not happening in Jefferson County, I
12 certainly want to know about it.

13 Q. But as you sit here today, have you made that
14 inquiry to all of your election judges?

15 A. I do, after every election.

16 Q. To all the election judges and poll workers?

17 A. Yes, sir.

18 Q. Are you familiar with the term "midwife"?

19 A. Yes, sir.

20 Q. Do you know if they have midwives in Jefferson
21 County?

22 A. Do we have midwives in Jefferson County?

23 Q. Yes, ma'am.

24 A. I think there is a few left here.

25 Q. Do you know if a person born by a midwife is